

TOWN OF JERICHO

Planning and Zoning Office • PO Box 39 • Jericho,
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JESSICA R. ALEXANDER, TOWN CLERK
JERICHO, VT

Applicant
Mr. David Villeneuve
P.O. Box 360
Underhill, Vermont 05489

Co-Applicant
Mr. Jerry Davis
364 VT Route 15, LLC
450 Weaver Street, Suite #3
Winooski, Vermont 05404

RE: Final Decision
Proposed Jericho Market, 364 VT Route 15, Jericho, VT

Dear Mr. Villeneuve and Mr. Davis:

At a meeting of the Jericho Development Review Board held on April 9, 2015 the Board heard your request for a final plat review of a Minor Subdivision (boundary line adjustment), Site Plan review, and Conditional Use review for parcel VT364a. The property is located at 364 VT Route 15 in the Village Center (VCTR) zoning district.

After review of the application, the Board voted to approve your request with conditions. Listed below are the Findings of Fact and Conditions that were approved by the Development Review Board on April 9, 2015:

Findings of Fact

1. This application is for the renovation and expansion of an existing garage to create an approximately 17,600 sf retail market including a deli and meat counter, and associated site improvements. The proposal includes a boundary line adjustment resulting in the transfer of approximately 0.83 acres.
2. According to the Jericho Land Use and Development Regulations §10.7.1., a boundary line adjustment where the amount of land transferred exceeds the minimum lot size of that zoning district is classified as a minor subdivision. This application was classified as a minor subdivision because the amount of property transferred by the boundary line adjustment (approximately 0.83 acre) exceeds the minimum lot size for the VCTR district (0.25 acre).

3. The parcel is located at 364 VT Route 15 in the Village Center zoning district. There is a .12 acre difference between current (19.58) and proposed (19.46) gross acreage shown on the plat. VTrans has determined that Rte 15 is a 4 rod road and not a 3 rod road as previously thought, which accounts for the discrepancy in the existing and proposed acreage in the plat. Lot 1(VT364b) is proposed as 15.87 acres, Lot 2 (VT368) is proposed as 1.04 acres, and Lot 3 (VT364a) is proposed as 2.55 acres.
4. On 3/25/2010, the parcel was approved as a (Planned Unit Development) PUD; however, the plat was not filed after 180 days as per the conditions of the 3/25/2010 hearing, resulting in the approval being void. The applicants are not submitting the application as a PUD.
5. A Character Based Zoning Ordinance (CBZO) has been proposed for the area including the subject property. Since this code has not yet been adopted, this application is subject to the rules in place at the time of the application.
6. Green space and landscaping revisions were submitted with the Final application to increase view corridors/ intermittent sight lines by reducing the number of plants along the hedge row on the west side of the proposed market.
7. The applicant is willing to install planters, tables and/or benches, and hanging baskets along the western side of the building to provide a gathering space for patrons.
8. The proposed final site plan sheet # C2-02, as last edited on 3/24/2015, shows two sidewalks: one sidewalk along the eastern edge of Route 15/ western edge of the green that will be constructed by the applicant and deeded to the Town. The applicant has offered a 10 foot easement along VT Route 15 for a sidewalk. The second sidewalk extends from the first sidewalk at the Route 15 access entry and connects to the crosswalk at the entrance of the Market.
9. The future development of Dickenson Street will be subject to the regulations of the CBZO, under CD4 (neighborhood district), which has two street typology options: Park Street Typology and Neighborhood Typology. Both of these typologies fit the dimensions of Dickenson Street.
10. The applicant has offered a five (5) foot easement on Dickenson Street.
11. In accordance with the Jericho Land Use and Development Regulations §11.2.2., at least 63 parking spaces are required. The proposed site plan creates 65 spaces.
12. The Jericho Land Use and Development Regulations §11.2.3.3 do not permit front yard parking in this district without DRB approval. An application for a front yard parking waiver, as per §11.2.3.3, was approved by the DRB at the December 11, 2014 hearing for parking in the Route 15 and Dickinson Street front yards. The applicant has chosen to utilize the front yard parking waiver along the Dickenson Street frontage as granted at the preliminary hearing.
13. The applicant has stated that the market proposal meets the maximum 60 percent lot coverage required by the Jericho Land Use and Development Regulations §5.8.
14. The applicant has stated that deliveries would begin at 5 am and would be complete by 12:00 pm and the store hours will be from 6 am – 8 pm daily.

15. The applicant has stated that the Chittenden County Transportation Authority (CCTA) bus stop and Park and Ride will not remain on the Market site.
16. The applicant provided a traffic study demonstrating that the increase in traffic generated as a result of this project does not warrant any additional roadway improvements *except* for a potential left turn lane. This issue will be addressed by VTrans with their access approval.
17. The final plat does not show any access on Lot 3 to benefit Lot 1.
18. The plat shows a utility access easement exists on the eastern edge of Lot 3 serving Lot 1 underground utilities and future maintenance of utilities. The applicant agreed to clarify the language on the plans that the proposed utility access easement listed on sheet C1-0 that runs northerly of the proposed store shall be revised to provide utility and maintenance access easement *only*.
19. The proposed project provides stormwater retention on site at the South side of the lot for the use of the Market site. The Town Engineer and Town Highway Supervisor have reviewed and approved the stormwater plan.
20. The applicant will limit the capacity of the storm water system based on the amount of impervious surface of Lot 3.
21. The applicant has testified that the leachfield and septic are sized at 150% capacity and will serve the market and in the future, David Villeneuve's remaining lots.
22. In the Town's technical review of the traffic, Lamoureux and Dickinson stated concerns about the ability of delivery trucks to access the loading docks. Truck access to the loading dock for the proposed store is provided on the southeast corner and is accessed via Rte 15. The primary access and trucks are proposed to exit back out onto Rte 15. The applicant has testified that there is enough room for a 69' truck to adequately access the loading dock, with only slight encroachments onto 3 parallel employee parking spots in the southeast parking lot.
23. The applicant has added larger, traditional-style windows to the upper level of the western (toward Rte 15) façade of the building, to integrate the architecture of the building with surrounding residential structures.
24. The applicant has testified that no hazardous materials would be stored on site.
25. The applicant has testified that the developer or successor will maintain and guarantee landscaping in surety for a period of three (3) years from the date of planting to ensure plant health and survival. The applicants have testified that plantings included in the landscaping plan will withstand salt, and will edit the landscaping plans (L1-01, L1-02) to reflect and ensure salt-tolerant species.
26. The applicant has agreed to the following condition regarding future access to the remainder of Villeneuve's lots: *"The Route 15 access to the Jericho Country Market parking area, as approved for this application, is prohibited from providing future access to any adjacent parcel or use, unless otherwise modified and approved by the DRB pursuant to a new application. Any subsequently approved secondary access by and*

between adjacent parcels may require the herein approved access from Rt. 15 to be modified or discontinued."

27. A letter was received from the Underhill-Jericho Fire Department on October 8, 2014 stating that they are able to provide fire protection and outlining a number of suggestions to improve fire safety and protection.
28. A letter was received by the Jericho-Underhill Water District on September 30, 2014 stating that they will be able to provide water service for the proposed store.
29. The DRB evaluated and approved the proposal according to the Conditional Use review standards in the Jericho Land Use and Development Regulations §10.9 and determined that the proposal will have no undue adverse effect on the standards found in §10.9.3.1, §10.9.3.2., and §10.9.3.3 of the Regulations.

Conditions

1. The Applicants shall adhere to the Plans as last prepared by Trudell Consulting Engineers on 3/24/15, except amendments as required by this approval (see conditions 5, 6, 7 and 11).
2. The design of the building will conform to the design drawings and elevations submitted with the application, including the façade as depicted on the building elevations (A1.1, A1.2, A2.1, A2.2, A3.1, A4.1, and colored renderings).
3. In accordance with FOFs 8 and 10, the Applicants shall provide an easement of five (5) feet on Dickinson Street and an easement of 10 feet on VT Route 15.
4. In accordance with FOF 8, the Applicants will construct the sidewalk along Route 15 and to the market, on the north side of the green as depicted on C2-02. In accordance with 10.12.11.1, the applicant will post surety in an amount determined by the Selectboard.
5. Landscaping shall be conducted in accordance with the Landscaping Plan (L1-01) dated 10/10/14 and last revised 3/24/15 by Trudell Consulting engineers and in accordance with the Jericho Land Use and Development Regulations §11.8.7 and FOF 25. All plantings shall be maintained and guaranteed by the developer or successor in surety for a period of three (3) years from the date of planting to ensure plant health and survival. The Applicants will submit the edited landscaping plans (L1-01 and L1-02) to reflect and ensure all plants are salt tolerant.
6. In accordance with FOF 26, the applicants shall include the following language on the final plat and on the final plans: *"The Route 15 access to the Jericho Country Market parking area, as approved for this application, is prohibited from providing future access to any adjacent parcel or use, unless otherwise modified and approved by the DRB pursuant to a new application. Any subsequently approved secondary access by and between adjacent parcels may require the herein approved access from Rt. 15 to be modified or discontinued."*

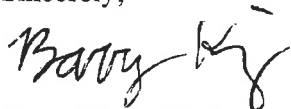
7. In accordance with FOF 17, the applicants shall install a wooden guardrail along the eastern edge of the parking lot adjacent to Lot 1, and shall match the wooden guardrail bordering the southern parking lot. The plans shall be amended to reflect this addition.
8. The applicant shall install “no parking” signage in front of the Route 15 side of the store and along the green and install signage for the handicapped parking spaces.
9. In accordance with FOF 22, the Applicants shall install “employee parking only” signage for the three parallel parking spots in the southeast parking lot.
10. In accordance with FOF 7, the applicants shall install planters and seasonal hanging baskets along the western side of the building.
11. In accordance with FOF 18, the proposed utility access easement listed on sheet C1-0 that runs northerly of the proposed store shall be revised to provide utility and maintenance access easement *only*.
12. In accordance with FOF 19, the stormwater retention swale shall be designed with sufficient holding capacity so that the existing culvert crossing Dickenson Street is not overwhelmed during storm events.
13. In accordance with FOF 19, the stormwater retention swale shall be maintained as mowed grass.
14. In accordance with the Jericho Land Use and Development Regulations §11.12, all new utilities shall be placed underground. As shown on the plans, all utilities will be located underground.
15. In accordance with the Jericho Land Use and Development Regulations §10.12.9.4., the Final Plat must be accompanied by sidewalk easements, utility access easements, public access easements and the warranty deeds to be recorded.
16. Erosion control practices shall follow the Vermont Agency of Natural Resources Low Risk Site Handbook for Erosion and Sediment Control, and conform to the Erosion Prevention and Sediment Control (EPSC) plan (C5-01 as last prepared on 3/24/2015).
17. Substantial revisions to the plan and external renderings shall require further review and approval by the Development Review Board at a publicly warned hearing.
18. Applicant shall secure and comply with all necessary local and State permits, including a State Building permit. The project will be constructed and subsequently operated consistent with all Findings of Fact and Conditions set forth above and required by any other permit applicable to this property.
19. Prior to the issuance of a zoning permit, the applicant must provide a determination from VT Agency of Natural Resources that the proper wastewater and potable water supply permits are in place.
20. A Certificate of Occupancy will be conditioned on obtaining all required state permits, including a State Highway Access Permit.

21. All other improvements shall adhere to the requirements of the Town of Jericho Land Use & Development Regulations in effect as of this date.
22. In accordance with Jericho Land Use and Development Regulations §10.9.5., this approval shall expire if a zoning permit is not obtained within 180 calendar days of approval unless the DRB grants an extension. The proposed uses shall not commence until the zoning permit is in effect.
23. By acceptance of these Conditions without appeal, the applicants confirm and agree for themselves and all successors in interest that the conditions of this decision shall run with the land and shall be binding and enforceable.

Motion by Joe Flynn to approve the request by David Villeneuve and VT 364 Route 15, LLC for final approval to construct an approximately 17,600 sf retail market with a deli and meat counter, and associated site improvements, including a boundary line adjustment and conditional use, at 364 VT Route 15. Seconded by Stephanie Hamilton. Those in favor: Barry King, Wayne Hendee, Christopher West, Joe Flynn and Stephanie Hamilton. Opposed: None. Motion carried 5-0. The application was approved.

In accordance with 24 V.S.A. §4471 any Interested Person may appeal this decision within 30 days by filing a notice of appeal by certified mail, sent to the State Environmental Court with a copy to the Town of Jericho. Address: *Vermont Superior Court, Environmental Division, 2418 Airport Rd., Suite 1, Barre, VT 05641-8701*. The current filing fee for an appeal is \$262.50, payable to Vermont Superior Court, and it must be sent in with the notice of appeal. Anyone with questions about an appeal can call the Court at 802 828-1660.

Sincerely,



Barry King, Chair

Jericho Development Review Board

Cc: David Villeneuve, owner
Jerry Davis, 364 VT Route 15, LLC

Trudell Consulting Engineers
Interested Parties
Jericho Town Clerk

Jericho Planning & Zoning
Jericho Lister
Jericho Selectboard